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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 J.L., M.D.G.B., J.B.A., and M.G.S., on behalf
11 of themselves and all others similarly situated,

12 Plaintiffs,

13 v.

14 KENNETH T. CUCCINELLI, II *et al.*,

15 Defendants.
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Case No. CV 18-4914

**JOINT NOTICE REGARDING
MODIFICATION TO SETTLEMENT
AGREEMENT**

Action Filed: August 14, 2018

JOINT NOTICE REGARDING MODIFICATION OF SETTLEMENT AGREEMENT

Pursuant to Section X.C.¹ of the Merits Settlement Agreement (“Settlement Agreement,” Dkt. 211-2 at 4-28), Plaintiffs J.L., M.D.G.B., J.B.A., and M.G.S. (collectively, “Plaintiffs”), individually and on behalf of those similarly situated, and Defendants Kenneth T. Cuccinelli, II, Senior Official Performing the Duties of the Director of United States Citizenship and Immigration Services (“USCIS”), Robert Cowan, Director of the National Benefits Center, Chad F. Wolf, Acting Secretary of the Department of Homeland Security (“DHS”), as well as USCIS and DHS (collectively, “Defendants,” and together with Plaintiffs, the “Parties”) hereby notify the Court that the Parties have agreed to modify deadlines in the Settlement Agreement, as follows:

1. Section V.A.5. is modified to read: “By May 19, 2020, Defendants will adjudicate the SIJ petitions for all possible Class Members identified on the Class List, in accordance with the terms of the Settlement Agreement. The Parties agree that only in the event of impacts from COVID-19 taking effect before May 20, 2020, that prevent Defendants from meeting this modified deadline, the Parties will meet and confer to consider tolling the deadline for a reasonable period to account for said delay. If the Parties are unable to resolve the matter after one week, the Parties will file a joint report seeking the Court’s intervention on how to enforce the modified Settlement Agreement.”

2. Section VI.B. is modified to read: “Defendants shall provide the Court and Class Counsel with at least four Notice of Compliance Reports at the following benchmarks: 35 days, 65 days, 95 days, and 158 days after the Effective Date of the Settlement Agreement.”

See Declaration of Kathleen Wise, ¶ 2, Ex. 1.

The aforementioned modifications benefit the Class Members as USCIS was previously required to adjudicate the SIJS petitions for all possible Class Members by June 15, 2020, but now

¹ Section X.C. states: “The Parties may agree in writing to modify the deadlines established in this [Settlement] Agreement without Court approval, but such writing must be lodged with the Court.” Dkt. 211-2 at 19. As the San Jose courthouse is currently closed to the public due to the COVID-19 Public Health Emergency pursuant to General Order No. 73, the modification agreement is hereby publicly filed with the Court instead of lodged.

1 must do so by May 19, 2020, almost a month earlier.²

26 _____
27 ² As explained in the concurrently filed Declaration of Bree Bernwanger, Class Counsel has been
28 unable to obtain M.G.S.'s signature, despite repeated attempts to do so. Class Counsel has obtained
verbal confirmation that M.G.S. understands and agrees to this modification.

1 Respectfully submitted,

2 Dated: May 15, 2020

MANATT, PHELPS & PHILLIPS, LLP
MATTHEW KANNY
ADRIANNE MARSHACK
SIRENA CASTILLO

PUBLIC COUNSEL
JUDY LONDON
SARA VAN HOFWEGEN
MARY TANAGHO ROSS

LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF
THE SAN FRANCISCO BAY AREA
BREE BERNWANGER

9
10 By: /s/ Sirena P. Castillo
11 Sirena P. Castillo
12 Attorneys for *Plaintiffs*
13 J.L., M.D.G.B., J.B.A., and M.G.S., on behalf
of themselves and all others similarly situated

14 DATED: May 15, 2020

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FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), regarding signatures, Sirena Castillo hereby attests that concurrence in the filing of this document has been obtained from all the signatories above.

Dated: May 15, 2020

/s/ Sirena Castillo

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2020, the foregoing document was electronically filed with the Clerk of the Court for U.S. District Court, Northern District of California, through the CM/ECF system. All parties are registered CM/ECF users and will be served through the CM/ECF system.

By: /s/ *Sirena Castillo*